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09/060,343	04/14/98	LEFTWICH	J 14774-82-1
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EXAMINER

VU, N

ART UNIT

PAPER NUMBER

2611

DATE MAILED:

11/03/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/060,343

Applicant(s)

Leftwich

Examiner

Ngoc Vu

Group Art Unit  
2611



☒ Responsive to communication(s) filed on Aug 21, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-23 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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***Response to Arguments***

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 7 and 15 calls for a "proper subset" of the set of program entries. It is unclear what meaning is attributed to "proper subset". Furthermore, the instant disclosure lacks any reference or disclosure to this feature.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-23 are rejected under 35 U.S.C. 102(b) as being unpatentable by Young et al (US 5,353,121).

Regarding claim 1, Young teaches a method for managing programming comprising: storing 232 a database of available programming (col. 18, lines 50-52 and lines 63-65); utilizing a first filter, which selects a first subset of programs according to some criteria (topics of MOVIES theme included action/adventure, comedy, science fiction...etc), and a second filter, which selects a second subset of programs according to another criteria (topic rating such as G, PG, R, NR), to generate an electronic program guide displaying programming included in the first subset and second subset (see col. 14, lines 52-55, see FIGS 1-7), wherein at least some of the programs of the first subset are different from the programs of the second subset, wherein at least some of the programs of the second subset are different from the programs of the first subset (for instance, drama/romance topic may include some movies of rating "R", but topic rating "R" may include some movies of action/adventure or suspense/horror topic).

Regarding claim 2, Young further teaches utilizing the first filter and second filter to generate an electronic program guide displaying programming including all of the programs included in the first subset and all of the programs included in the second subset. For example, movie ALIEN NATION is rating "R", rating "PG" includes shows YOUNG & RESTLESS and ALL MY CHILDREN (see FIGS 1-7 and col. 14, lines 52-55).

Regarding claim 3, Young further teaches utilizing the first filter and the second filter, wherein at least some of the programs of the first subset are the same as at least some of the

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programs of the second subset (for instance, family/children topic includes some movies of rating "PG" and rating "PG" includes some movies of family/children topic), with the second filter having a higher priority than the first filter (for instance, generating only all "PG" rating movies from action/adventure topic), to generate an electronic program guide displaying programming including programs included in both the first and second subsets (see FIGS 1-7, and col. 14, lines 52-55).

Regarding claim 4, Young further teaches the step of creating a filter utilizing program/event entries in the programming database (see col. 14, lines 48-54; col. 18, lines 50-52 and lines 63-64).

Regarding claim 5, Young teaches the first filter comprises a list of program entries 108 (example: comedy, western, musical...etc).

Regarding claim 6, the first filter is identified as "MOVIES" as shown in FIG 14. Claim 6 merely requires the listing under "MOVIES" to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listings under any subcategory of the genres identified in FIG 14 would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Regarding claim 7, it follows from the discussion with respect to claim 6, that the programs identified under "MOVIES" are a "proper subset" of the total programs in the database since one can filter the database using the "MOVIES" descriptor and get a listing of the "proper" movies therein.

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Regarding claim 8, Young teaches that a consumer device (memory) stores the database and the first filter is input into the consumer device from a source external to the consumer device (see col. 18, lines 47-55).

Regarding claim 9, Young teaches a system for managing programming comprising: a memory 232 storing a database of available programming; a memory 240 storing a first filter having certain criteria; a memory 232 storing a second filter having different criteria from the memory storing the first filter; and a processor 228 which selects a first subset of programs according to the first filter and a second subset of programs according to the second filter to generate an electronic program guide displaying programming included in the first subset and the second subset (see col. 14, lines 52-55; col. 18, lines 50-68; and FIGS 1-7), wherein at least some of the programs in the first subset are different from the programs of the second subset, wherein at least some of the programs in the second subset are different from the programs of the first subset (for instance, drama/romance topic may include some movies of rating "R", but topic qualifier "R" may include some movies of action/adventure or suspense/horror topic).

Claim 10, see claim 2 above.

Claim 11, see claim 3 above.

Claim 12, see claim 4 above.

Claim 13, see claim 5 above.

Claim 14, see claim 6 above.

Claim 15, see claim 7 above.

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Claim 16, see claim 8 above.

Regarding claim 17, Young teaches a method for managing programming comprising: storing 232 a database of available programming; displaying a user configuration screen having a plurality of program/event sources 106 (MOVIES, SPORTS, SPECIALS, and TV FARE), a first program filter (MOVIES) and a second program filter (rating); selecting at least one of the plurality of program/event sources, the first program filter and the second program filter from the user configuration screen (EPG); filtering programs of the at least one of the plurality of program/event sources utilizing the first program filter to produce a first subset of programs 108 according to some criteria; filtering programs of the at least one of the plurality of program/event sources utilizing the second program filter (rating) to produce a second subset of programs (G, NR, PG or R) according to some criteria; and generating an electronic program guide displaying programming included in the first subset and the second subset (see col. 14, lines 52-55, see FIGS 1-7), wherein at least some of the programs of the first subset are different from the programs of the second subset, wherein at least some of the programs of the second subset are different from the programs of the first subset (for instance, drama/romance topic may include some movies of rating "R", but rating "R" may include some movies of action/adventure or suspense/horror topic).

Regarding claim 18, Young teaches that the electronic program guide displays programming including all of the programs included in the first subset and all of the programs included in the second subset (see FIGS 1-7).

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Regarding claim 19, Young teaches that the first subset of programs produced by the first program filter is a first list of programs (topics of MOVIES theme included action/adventure, comedy, science fiction...etc), and the second subset of programs produced by the second program filter is a second list of programs (R, PG, NR, G), wherein at least some of the programs produced by the filters are the same, wherein the first and second lists of programs are "intersect" (for instance, family/children topic includes some movies of rating "PG" and rating "PG" includes some movies of family/children topic), wherein the electronic program guide displays programming consisting of programs produced in both the first and second subsets (see FIGS 1-7).

Regarding claim 20, Young teaches an interactive filter selective mechanism of available programming comprising: a database of available programming 232; a plurality of program/event sources 106 (MOVIES, SPORTS, SPECIALS or TV FARE); a first program filter (MOVIES) that filters the program/event sources to produce a first subset of programs (comedy, musical, western...etc) according to some criteria; a second program filter (rating included R, NR, PG and G) that filters at least one of the program/event sources and the first subset of programs to produce a second subset of programs according to another criteria (for instance, YOUNG & RESTLESS is "PG" rating program of drama/romance MOVIES topic); a selection of programming sources including the plurality of program/event sources 106, the first subset of programs (MOVIES) and the second subset of programs (R, NR, PG or G); a user configuration



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screen (EPG) having a display of the selection of programming sources, wherein a user selects at least one of the plurality of program/event sources, the first program filter and the second program filter from the user configuration screen; and the electronic program guide displays programming consisting of programs both the first and second subsets (see FIGS 1-7 and 14).

Claim 21, see claim 2 above.

Regarding claim 22, Young teaches that the second filter has at least one "parameter" (R, NR, PG or G), and at least one of a user, a third party (parent allows the children to watch only "PG" program, or some members in family wants to see "R" programs only), and a service provider selects at least one parameter to provide the second filter (see FIG. 14).

Regarding claim 23, Young teaches interactive filter selective mechanism of the claim 20 wherein the second filter has at least one parameter, wherein a user chooses at least one parameter of the filter to configure the filter from program/event entries in the programming database (see col. 14, lines 50-60).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)

(703) 308-5399, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

**Hand-delivered responses should be brought to receptionist:**

Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc Vu whose telephone number is (703) 306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

NV  
October 26, 2000

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2600